IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2678 OF 2005

Gendalal Pannalal Somani ...Petitioner

Versus

Navin Ramji Thakkar & Anr. ...Respondents

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Mr.Y.K.Sharma for Petitioner.

Mr.A.H.Palekar with Mr.A.B.Salunke i/b
M/s.S.Ashwinikumar & Co. for Respondent No.1.

Mr.U.V.Nikam, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 7, 2005.

P.C.

1. In view of the recent decision of this Court in the case of **V.K.Jain & Ors. vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778**, remedy of Revision before the Sessions Court is available to the Petitioner.

2. Counsel for the Petitioner, however,

contends that arising from same complaint, this Court had occasion to entertain Writ Petition at the instance of co-accused. If it is so, it is all the more necessary for the Petitioner to approach the Revisional Court and if the issue raised by the Petitioner is covered by the decision in the case of co-accused passed by this Court, there will be no difficulty for the Petitioner in persuading the Revisional Court to follow the same suit.

3. Accordingly, this Petition is dismissed with liberty to the Petitioner to take recourse to appropriate remedy, as may be advised within four weeks from today, which in turn, will be decided on its own merits in accordance with law, uninfluenced by any observations made by this Court in this order. To facilitate the Petitioner to take recourse to appropriate remedy in view of the observation made earlier, it is ordered that no precipitative steps be taken against the Petitioners for a period of four weeks from today. All questions are left open.

4. In case, there is any delay in filing

Revision Application, Court will take into account the fact that the Petitioner had first approached this Court, which period may be excused in computing delay.

5. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.